

VZCZCXRO3729
PP RUEHBC RUEHDE RUEHIHL RUEHKUK
DE RUEHGB #1495/01 1350641
ZNY CCCCC ZZH
P 140641Z MAY 08
FM AMEMBASSY BAGHDAD
TO RUEHC/SECSTATE WASHDC PRIORITY 7360
INFO RUCNRAQ/IRAQ COLLECTIVE PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 001495

SIPDIS

E.O. 12958: DECL: 05/14/2018
TAGS: [KJUS](#) [ECON](#) [IZ](#)
SUBJECT: NEW ACTING MINISTER OF JUSTICE

REF: A. 2007 BAGHDAD 821
[1](#)B. 2006 BAGHDAD 4253
[1](#)C. BAGHDAD 713
[1](#)D. BAGHDAD 95
[1](#)E. BAGHDAD 1071

Classified By: Deputy PolCouns Ellen Germain for reasons 1.4 (b) and (d)
)

[1](#)1. (C) SUMMARY: Minister of Trade Abd al-Falah al-Sudani was appointed as an additional Acting Minister of Justice on May 4. Sudani will help with ministry operations in Baghdad while the existing Acting Minister of Justice Dr. Safa al-Safi is in Basrah. According to Deputy Minister of Justice Posho, a permanent Minister of Justice may be appointed within a month. According to Minister of Human Rights Wijdan Salim, Posho requested a replacement Acting Minister of Justice during Safa's absence in Basrah in a letter to the Prime Minister, and the PM nominated Sudani for the position. Sudani's appointment seems to be a politically-motivated pick, as was his appointment as Minister of Trade, since he has no substantive experience or background in trade, managing a service delivery system such as the Public Distribution System, or judicial matters. Although Sudani is seen as ineffective and possibly corrupt, he will probably be more approachable and less obstructionist than Dr. Safa, who has consistently hindered USG efforts.
END SUMMARY.

SUDANI: SECOND ACTING MINISTER OF JUSTICE

[1](#)2. (C) Since the Basrah campaign began in March, Dr. Safa al-Safi, the Acting Minister of Justice, has been in Basrah helping to oversee GOI reconstruction operations, and according to Deputy Minister of Justice Posho, not fulfilling his responsibilities in the Ministry of Justice (MoJ). Posho told USG officials that he begged for a new minister because he was frustrated that Safa had not signed any orders requiring ministerial authority in two months, and many ministerial functions had ground to a halt. According to Minister of Human Rights Wijdan Salim, Posho sent a letter to the Prime Minister requesting a new Minister of Justice. The PM appointed Abd al-Falah al-Sudani, the current Minister of Trade, as an additional Acting Minister of Justice while Safa is in Basrah. Minister Sudani, who has a background in chemistry, has no previous experience with judicial affairs. Posho told USG officials that he was disappointed that Sudani will not have full authority, and that Safa will remain a minister. Posho also told British officials that he is nevertheless relieved because this will allow him to go on vacation to the UK.

[1](#)3. (C) Sudani will not have independent decision-making powers in the MoJ, but he will be able to sign documents requiring ministerial authority. While Posho is upset that Safa will still have overall ministerial authority while not working, he is happy that Sudani can at least get some policies and projects pushed forward. Posho's (perhaps self-interested) advice to USG officials was that it is not worth meeting with Sudani since he will not be able to make any changes in policy without Safa's approval. Posho

described Sudani as simply "helping" Safa with ministry functions. Minister Wijdan told PolOff on May 10 that she does not think Sudani will be effective in the MoJ, based on his poor performance in the Ministry of Trade (MoT). She added that she believes he will shy away from addressing any serious problems or concerns within the MoJ, as he does not have a strong work ethic.

SUDANI AS MINISTER OF TRADE: CORRUPTION AND INEFFECTIVENESS

¶4. (C) Sudani, previously Minister of Education under Prime Minister Ja'fari, was appointed Minister of Trade in May 2006. As a party leader within the PM's Dawa party, his appointment was seen as a politically-motivated pick. Sudani did not have a strong background on trade issues and faced a steep learning curve, especially on issues related to World Trade Organization (WTO) accession. Towards the beginning of his tenure, he expressed a lack of interest in leading the MoT, but gradually became increasingly interested in trade issues such as the WTO (ref A). According to Minister of Human Rights Wijdan Salim and discussions with other officials, Sudani is close to the Prime Minister and has good standing within the Dawa party. His early meetings with Ambassador Khalilzad centered on political, reconciliation, and Dawa issues rather than on trade (ref B). In meetings with the USG, he has been gracious and open to taking recommendations.

¶5. (C) Overall, Sudani has not been an effective Minister of Trade. He has not taken control of corrupt elements within the ministry, allowing corruption throughout the Public Distribution System (PDS) to affect the quality and delivery

BAGHDAD 00001495 002 OF 002

of rations to the public (ref C). He has, however, candidly told USG officials that he wants to reform the PDS and understands the reasons for the PDS's inefficiencies (ref D). An MoT facility at the Umm Qasr port in Basrah was reported in April as being a hub of Jaysh al-Mehdi activities that focused on diverting PDS commodities (ref E). (Note: Conditions at the port have improved significantly since the ISF took over security responsibilities from the militia-infiltrated Facilities Protection Service. End Note.)

¶6. (C) In January, the Integrity Committee in the Council of Representatives (CoR) called for Sudani to resign, accusing him of signing contracts amounting to millions of dollars with non-existent companies. Sudani refused to discuss the allegation, and in February he ignored a binding summons to appear before the CoR for corruption questioning. The CoR was ready to impeach him for corruption in January. The charges come from CoR member Sheikh Sabah Al-Saedi (Fadilah, Integrity Committee) and the former Commissioner of the Commission on Public Integrity (CPI) Mousa Farraj, both of whom have a political stake in accusing any Dawa Minister of wrong-doing.

¶7. (C) The corruption case outlined a number of complaints and instances of substandard goods delivered through the MoT's PDS, but there was a lack of evidence that the Minister had knowledge of the circumstances under which the substandard goods arrived on the food agents' shelves. (COMMENT: Sudani should be exercising due diligence to prevent substandard goods from being insinuated into the PDS and to follow up allegations of corruption, but the malfeasance generally takes place at the retail distribution level. END COMMENT.) The current CPI Commissioner, Judge Raheem, is not pursuing the case as a criminal matter, but Al-Saedi is still calling for criminal charges.

¶8. (C) COMMENT: Sudani's appointment seems to be a politically-motivated pick, as was his appointment as Minister of Trade, since he has no substantive experience or background in trade or judicial matters. Although Sudani is seen as ineffective and possibly corrupt, he will probably be more approachable, helpful, and less obstructionist to us

than Dr. Safa, who has consistently impeded USG efforts. Our ability to use Sudani to push USG objectives will be hindered by the fact that he has little decision-making authority and is still subject to Dr. Safa's authority.

CROCKER